

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

UNITED STATES OF AMERICA,

ORDER

Plaintiff,

08-cr-84-bbc

v.

REED ROGALA,

Defendant.

Defendant Reed Rogala was convicted in this court of conspiracy to distribute marijuana. He was sentenced originally to a term of 151 months, dkt. #25; in 2010, the term was reduced to 78 months to recognize his substantial assistance. Dkt. #42.

In 2011, defendant moved to modify the schedule for payment of the \$100,000 fine imposed on him and to modify the condition requiring him to abstain from all use of alcohol while on supervised release. I denied the motion, but on appeal, the Court of Appeals for the Seventh Circuit vacated the order and remanded the case for consideration of the two requests. Having given them new consideration, I will revise Special Condition of Supervised Release no. 4 relating to alcohol consumption so that it corresponds to condition no. 7 of the Standard Conditions of Supervised Release, which prohibits only the excessive consumption of alcohol.

I am not persuaded that there is any reason to revise the payment provisions set out

in the judgment and commitment order, but I will give defendant 60 days instead of 30 within which to make his first payment of \$250.00. It is too early to know whether the requirement that defendant pay \$250 a month will be difficult for defendant to meet. Defendant is well educated and was making money not just from marijuana sales but from glass blowing, when he was arrested. It is probable that he can find work that will enable him to make the required payments. If not, his probation officer can ask the court for a modification of the monthly payment requirement.

ORDER

IT IS ORDERED that the amended judgment and commitment order entered in this case on October 8, 2010, dkt. #42, is AMENDED by deleting Special Condition of Supervised Release No. 3 and replacing it with the following special condition:

Defendant shall refrain from the excessive use of alcohol and from association with drug users and sellers and participate in substance abuse treatment. Defendant shall submit to drug testing beginning within 15 days of his release and 60 drug tests annually thereafter. The probation office may utilize the Administrative Office of the United States' phases collection process;

FURTHER, IT IS ORDERED that the last line on page 5 of the judgment and commitment order is AMENDED by deleting "30" and inserting "60."

In all other respects the order remains as entered on October 8, 2010.

Entered this 24th day of August, 2012.

BY THE COURT:

/s/

BARBARA B. CRABB

District Judge